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TAGS: [MARR](#) [PREL](#) [MASS](#) [MOPS](#) [SE](#)
SUBJECT: SEYCHELLES SOFA IN THE FINAL STRETCH

REF: A. 2008 PORT LOUIS 570
[B](#). 2008 PORT LOUIS 642

Classified By: Charge d'Affaires Virginia M. Blaser for reasons
1.4 (b) and (d)

SUMMARY

[1](#)1. (C) A U.S. inter-agency delegation met with Government of Seychelles (GoS) stakeholders in early July to discuss issues associated with the proposed Status of Forces Agreement (SOFA). The discussions, which were built on multi-level country team lobbying efforts over the past two years, led to GoS agreement to take the entire US-cleared October 2008 SOFA proposal to Cabinet as early as this week. The President's Principal Secretary predicted the SOFA would pass the cabinet and a favorable diplomatic note will be given to the Embassy shortly after cabinet approval, thereby concluding the SOFA.

PRESIDENT'S PRINCIPAL SECRETARY FRAMES THE SITUATION

[1](#)2. (C) On July 1, Charge met with Principal Secretary to the President, Jean Paul Adam, who indicated that the President had designated him the SOFA "troubleshooter-in-chief." Charge encouraged Adam's continued involvement in the SOFA deliberations, and set up a follow-up meeting between Adam and U.S. delegation (USDEL), composed of U.S. Embassy Port Louis Political Officer Quentin Barber; Colonel Jon L. Lightner, Legal Counsel, U.S. Africa Command; and Colonel James Jacobson, Deputy Foreign Policy Advisor, U.S. Africa Command. Charge asked Adam to brief the delegation on any anticipated questions or concerns which would be raised by GoS stakeholders in discussions scheduled for the following day.

[1](#)3. (C) USDEL met with Adam later the same day. In confidence, Adam flagged immunities (criminal jurisdiction) and sovereignty as the main issues that he anticipated would need to be addressed by the USDEL during subsequent meetings. Adam further explained that if left to the President alone, the SOFA would be passed tomorrow, and that the President had already conducted lobbying efforts to urge GoS ministers who may be opposed to the SOFA to be "pragmatic" and not overreact to "emotive" issues such as sovereignty. Adam stated that due to this preliminary presidential lobbying of the Cabinet and the Attorney General, he did not foresee any insurmountable problems that would impede progress on the SOFA, provided the USDEL could clarify some questions concerning implementation. Adam said that the GoS recognizes that its April 2009 counter-proposal was "unacceptable to the USG" and that the GoS representatives would discuss the October 2008 SOFA text proposed by the USG during meetings with the USDEL.

[1](#)4. (C) Referencing the U.S. SOFA with Cyprus, Adam asked what could be done to provide "comfort letters" after a SOFA is concluded in order to assuage concerns raised by certain ministries. After discussion, it became clear that Adam referred to implementing arrangements (IAs) specifically authorized by Article 12 of the proposed October 2008 SOFA. When it was explained that such IAs could address any concerns with greater detail and specificity, Adam said he expected no problem with getting the proposed October 2008 SOFA through the AG and the Cabinet. (NOTE: Unlike the Cabinet of Ministers, the AG is a constitutional position that does not fall under presidential authority. END NOTE.)

THE DISCUSSIONS

15. (U) On July 2 the USDEL met with a GoS delegation for discussions regarding the proposed SOFA. The GoS delegation consisted of Attorney General (AG) Ronny Govinden, the AG's State Counsel Krishnan Labonte, and two MFA attorneys, Sandra Michel and Jacques Belle. Though invited, the Seychelles People's Defense Forces (SPDF) representative chose not to attend. The AG was present for the start of discussions, but quickly departed for other "urgent business," leaving State Counsel Labonte to represent his office. Upon the AG's departure, the remaining participants progressed line-by-line through the text of the SOFA as proposed by the US in October 2008. At the end of the last discussion session, GoS participants said that the USDEL successfully addressed all GoS concerns.

MAIN TOPICS

16. (C) As redicted by Adam, the major issues raised by the GoS legal team were sovereignty, immunities/criminal jurisdictions, and IAs. Other matters discussed included questions about taxes, contracting, transportation, and customs.

a. (C) Sovereignty: With regard to sovereignty questions posed by the GoS, USDEL responded that the SOFA was not a "presence agreement," and that the GoS retains its sovereign authority to approve or disapprove any proposed U.S. activity or event in Seychelles. Embassy provided supplemental documentation concerning ship visits and aircraft clearances to the MFA representatives to illustrate prior and current practice of the need to gain US approval before the U.S. military conducts an activity or event in Seychelles. The SOFA would not change such approval procedures, USDEL clarified.

b. (C) Immunities: By providing a detailed explanation, with examples, of the comprehensive nature and operation of the Uniformed Code of Military Justice (UCMJ), USDEL assuaged GoS concerns that the SOFA provided complete immunity of US personnel from the criminal jurisdiction of Seychelle. GoS participants appeared satisfied with USDEL response regarding immunities.

c. (C) Implementing Agreements: The last major issue discussed was the ability to enter into IAs, as authorized by Article 12 of the SOFA. During the discussions, the GoS participants recognized that Article 12 provided an effective mechanism to address matters that might require greater specificity or detail, and that any IAs could be put in place after a SOFA was completed.

17. (SBU) The GoS representatives commented, at the conclusion of the meetings, that these discussions had allayed their concerns and improved their understanding of the proposed SOFA and aspects of its implementation. With this knowledge they felt they could now effectively address concerns cabinet members might raise during future GoS internal discussions on the matter.

FOLLOW-UP MEETING WITH ADAM

18. (C) On July 3, the USDEL met again with Adam, who reiterated that he expected no problems with the proposed October 2008 SOFA getting through the Cabinet this time. Adam stated that since USDEL successfully addressed all GoS questions through the prior days' discussions, the GoS was prepared to finalize the SOFA. Adam reassured the USDEL that the AG's absence from the discussions was not something to be concerned about, as he had personally spoken to the AG, who had voiced no objections to the USG October 2008 SOFA proposal. Adam anticipated that the SOFA might be presented to the Cabinet within the next two to three weeks, but possibly as early as Wednesday July 8. He emphasized that the SOFA would need to be agreed upon through an exchange of notes due to the need for the President to avoid sending the SOFA through Parliament for its approval.

19. (C) In a 6 July follow-up discussion with Charge, Adam confirmed that the SOFA would be put to Cabinet on Wednesday, 8 July, and that a diplomatic note affirming GoS recognition of the October 2008 SOFA proposal would follow soon thereafter.

COMMENT

110. (C) The conclusion of a SOFA with the United States is clearly a priority for President Michel. He is investing his own political equities to ensure the successful conclusion of

the agreement. While political in-fighting could cause delays, or derail our success to date, Post believes the President's intentions are sincere. He appears to have lined up the necessary minimum cabinet support to move the SOFA forward. We remain optimistic, therefore, that the SOFA will soon be approved and that Post will receive the promised diplomatic note which, per Article 15, would put the US-cleared and preferred agreement into force.

BLASER